

(NE) #16

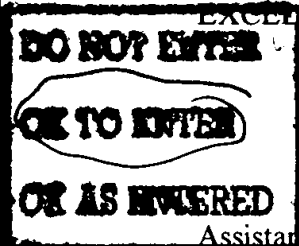
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9482**
Takayuki WATANABE et al. : **Docket No.00202/K-5 (Hase) F99023**
Serial No. 09/492,137 : **Group Art Unit 1761**
Filed January 27, 2000 : **Examiner H. Mai**

EDIBLE POWDER MATERIAL HAVING
EXCELLENT SHELF STABILITY



MC
9/30/02

RESPONSE TO ADVISORY ACTION

RECEIVED
JUL 29 2002
TC 1700

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Applicants acknowledge receipt of the Advisory Action mailed June 18, 2002.

The Advisory Action indicates (item 5) that Applicants' request for reconsideration does not place the application in condition for allowance for the reasons set forth on the Continuation Sheet, i.e. page 2 of the Advisory Action. It is also indicates (item 7) that the rejected claims are claims 1-10, 12, 14 and 15.

However, the Advisory Action fails to indicate whether or not the recent amendments to the claims (canceling claim 14 and amending claims 1 and 15) have been entered; and also fails to indicate that the Rule 132 Declaration has been considered.

Applicants respectfully request a reply from the Examiner concerning these matters.

On page 2 of the Advisory Action, in discussing the "consisting essentially of" language in claim 1, the Examiner states that claim 1 does not state what components are to be excluded from the composition.

Applicants note that the "consisting essentially of" language excludes, from the composition of the present invention, the glycacarbamate and glycaurea in the composition of Vermeer, and also the rice of Nakamura et al. These components would materially affect the basic nature or

characteristics of the presently claimed powder composition, since if such components exist in the composition of the present invention, they may have an adverse effect on the stability of the perfumes, coloring agents and substances having a biological regulatory effect or physiological activity for mammals, which are recited as component (1) in claim 1 of the present application.

At the bottom of page 3 of Applicants' recent response, emphasis is placed on the statement that neither Vermeer nor Nakamura et al. teach or suggest a composition which contains both trehalose and hemicellulose as required by claim 1 of the present application. On page 2 of the Advisory Action, the Examiner points to disclosures in each of these references which, according to the Examiner, teach trehalose and hemicellulose.

However, as Applicants have previously noted, the trehalose and hemicellulose which are recited at column 14, lines 15+ (mentioned by the Examiner) are only listed as examples of saccharides that can be reduced to glycamine or alkylglycamine. This would certainly not provide a teaching or suggestion about admixing both trehalose and hemicellulose per se with a personal product or detergent composition. In other words, Vermeer does not teach a composition containing both trehalose and hemicellulose, much less in admixture with perfumes, coloring agents or substances having a biological regulatory effect of physiological activity for mammals. Rather, the reference merely indicates that these two components, along with numerous other examples of saccharides, can be reduced to glycamine or alkylglycamine.

The Nakamura et al. reference relates to a rice cooking method which comprises treating polished rice with water-soluble hemicellulose, resulting in a composition which is quite different from the powder composition of the present invention. The disclosure at column 4, lines 15-67 (mentioned by the Examiner) lists numerous materials as other quality enhancers and additives, including trehalose. However, the reference fails to teach or suggest either specifically selecting trehalose for combination with hemicellulose, or the remarkable effects achieved by their combined use as established by Applicants, for example, as shown in the Rule 132 Declaration of record.

In summary, the disclosures in the references specifically mentioned by the Examiner do not specifically teach or suggest combining both trehalose and water-soluble hemicellulose with perfumes, coloring agents or substances having a biological regulatory effect or physiological activity for

mammals, nor do the references suggest the remarkable effects achieved by such a composition as established by the present record.

Nor do the references provide any motivation for such combined use of trehalose and hemicellulose.

Furthermore, the "consisting essentially of" language excludes components of the references (glycacarbamate and glycaurea of Vermeer, and rice of Nakamura et al.) from the presently claimed powder composition.

For these reasons, and those already of record, Applicants again respectfully submit that the presently claimed invention is clearly patentable over the applied references.

Respectfully submitted,

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